

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

VINES OF ARGENTINA, LLC., and
VINOTOURISM ARGENTINA SRL,

Plaintiffs,

v.

BBI ARGENTINA, NADIA BINESH,
and FRANCISCO EVANGELISTA,

Defendants.

CASE NO. 2:22-cv-1619

ORDER TO SHOW CAUSE

This matter comes before the Court sua sponte. This case was stayed from January 12, 2023, to October 11, 2024, to allow Plaintiffs to complete service upon the Defendants, all of whom are foreign citizens or entities. (See Dkt. Nos. 5, 10, 12.) During that time, Plaintiffs claimed to have served Defendant Francisco Evangelista, an Argentinian, through the Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents (“Hague Convention”). (See, e.g., Dkt. No. 8 at 1–2.) The Court then permitted Plaintiffs to serve the remaining Defendants through email and postal mail so that Plaintiffs could “begin to prosecute

1 their claims, which have been pending for the better part of two years.” (Dkt. No. 15 at 6.)
2 Plaintiffs served BBI Argentina and Nadia Binesh and the Court lifted the stay, set a response
3 deadline for all Defendants, and ordered Plaintiffs to show that they had indeed served
4 Evangelista. (Dkt. No. 21.) Only then did Plaintiffs admit that they are unable to provide the
5 Court with proof of service sufficient to show that Evangelista was indeed served with the
6 summons and complaint. (Dkt. No. 22 ¶¶ 2–3.)

7 On the record before the Court, there is no proof that Evangelista was properly served
8 with the summons and complaint. Sworn declarations from Plaintiffs’ counsel and claims made
9 in status reports or motions are not sufficient to prove service under Article 6 of the Hague
10 Convention. See Fed. R. Civ. P. 4(1)(2)(A). Therefore, Plaintiffs are ORDERED to SHOW
11 CAUSE as to why their claims against Evangelista should not be dismissed for failure to
12 prosecute under Fed. R. Civ. P. 41(b). By no later than November 11, 2024, Plaintiffs must file a
13 brief of no more than 2,100 words responding to this Order. The brief must be supported by a
14 sworn declaration. No response from Defendants shall be filed.

15 The clerk is ordered to provide copies of this order to all counsel.

16 Dated November 5, 2024.

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18 Marsha J. Pechman
19 United States Senior District Judge
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